I.R.C.P. 83.z. Judgment Entered on Appeal.

Idaho Rules of Civil Procedure Rule 83(z). Judgment Entered on Appeal.

(1) Trial de novo. If an appeal is heard as a trial de novo, upon determination of the appeal the district judge shall enter a judgment as required by Rule 58(a).

(2) Appellate review. If an appeal is heard on the record, upon determination of the appeal the district judge shall enter an appellate judgment which shall include instruction to the magistrate. The clerk shall file stamp the appellate ruling and mail copies to the partiesand the presiding magistrate. The original appellate ruling shall be filed in the court file which returned to the magistrate division as provided by Rule 83(n).

(A) Remittitur from district court. If no appeal to the Supreme Court is filed within forty-two (42) days after the clerk files the appellate ruling, the clerk shall issue and file a remittitur with the magistrate court from which the appeal was taken and mail copies to the parties and the presiding magistrate. The remittitur shall advise the magistrate judge that the opinion has become final and that the magistrate shall forthwith comply with the directive of the opinion.

(B) Remittitur from Supreme Court or Court of Appeals. When the Supreme Court or Court of Appeals files a remittitur with the district court in a case that was initially appealed from the magistrate division of the district court, the clerk of the district court shall mail a copy of such remittitur to the presiding magistrate.

(Adopted April 19, 1995, effective July 1, 1995; amended January 30, 2001, effective July 1, 2001; amended April 22, 2004, effective July 1, 2004; amended March 19, 2009, effective July 1, 2009; amended April 30, 2010, effective July 1, 2010; amended August 12, 2010 effective September 1, 2010; amended March 19, 2009, effective on July 1, 2009; amended April 30, 2010, effective July 1, 2010; amended effective August 12, 2010.

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